



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 20]

शिमला, शनिवार, 29 अप्रैल, 1972/9 वैशाख, 1894

[संख्या 18

विषय-सूची

भाग 1	वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं	478—490
	इत्यादि	तथा 501
भाग 2	वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि	490—492
भाग 3	अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनैन्शल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि	—
भाग 4	स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग	—
भाग 5	वैयक्तिक अधिसूचनाएं और विज्ञापन	—
भाग 6	भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन	493—500
भाग 7	भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं	—
	अनुपूरक	—

29 अप्रैल, 1972/9 वैशाख, 1894 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'असाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विज्ञप्ति की संख्या	विभाग का नाम	विषय
No. 5-12/72-L.R., dated the 5th April, 1972.	Law Department	Publication of the Himachal Pradesh Appropriation Act, 1972 (Act No. 1 of 1972).
No. 5-12/72-L.R., dated the 5th April, 1972.	-do-	Publication of the Himachal Pradesh Appropriation (Vote on Account) Act, 1972 (Act No. 2 of 1972).
No. 10-9/72-VS., dated the 5th April, 1972.	Vidhan Sabha Secretariat	Publication of the Himachal Pradesh Legislative Assembly (Allowances of Members) (Amendment) Bill, 1972 (Bill No. 12 of 1972) as introduced in the Legislative Assembly.

भाग 1—बैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

PERSONNEL DEPARTMENT (A) NOTIFICATIONS

Simla-2, the 22nd March, 1972

No. 8-7/72-Appnt. —The Governor, Himachal Pradesh, is pleased to declare the two posts of Administrative Officers included in the Himachal Pradesh Administrative Service Cadre under serial No. 5 of Schedule 'A' to this Department's notification No. 3-8/71-Appntt., dated the 5th May, 1971, with immediate effect.

K. N. CHANNA,
Chief Secretary.

Simla-2, the 8th April, 1972

No. 10-2,68-DP-Appntt. —In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898) as amended by the Punjab Separation of Judicial and Executive Functions Act, 1964 the Governor of Himachal Pradesh is pleased to appoint Shri Shie Chand Thakur, District Development and Panchayat Officer, Kulu, to be the Executive Magistrate of Second Class, with all the powers of Executive Magistrate Second Class, under the said Code, to be exercised within the local limits of Kulu district, with immediate effect.

2. The notification of even number, dated 14-2-1972 will be treated as cancelled.

S. S. SIDHU,
Joint Secretary.

AGRICULTURE DEPARTMENT NOTIFICATION

Simla-2, the 19th April, 1972

No. 47-2 70-Agr.(Sectt.).—The Governor, Himachal Pradesh under clause 19 of the Fertilizer (Control) Order, 1957 is pleased to appoint the following as Inspectors of Fertilizers for the purpose of the order within the jurisdiction as shown against each below:—

Sl. No.	Inspector	H.Q. of his posting	Area of jurisdiction
1	2	3	4
1.	Agricultural Inspector (M and F) Mahasu.	Kasumpti	Whole of Mahasu district.
2.	Agricultural Inspector (M and F) Kinnaur.	Kalpa	Whole of Kinnaur district.
3.	Agricultural Inspector (M&F) Bilaspur.	Bilaspur	Whole of Bilaspur district.
4.	Agricultural Inspector (M&F) Mandi.	Mandi	Whole of Mandi district.
5.	Agricultural Inspector (M&F) Chamba.	Chamba	Whole of Chamba district.
6.	Agricultural Inspector (M&F) Sirmur.	Nahan	Whole of Sirmur district.
7.	Agricultural Inspector (M&F) (Implement) Simla.	O/O the DAO Kangra	Whole of Simla district.

1	2	3	4
8.	Agricultural Inspector (Implement) Kangra.	Dharamsala	Whole of Kangra district.
9.	Agricultural Inspector (Implement) Kulu.	Kulu.	Whole of Kulu district.

By order,
K. C. PANDEYA,
Secretary.

EDUCATION DEPARTMENT NOTIFICATION

Simla, the 6th April, 1972

No. 21-2/71-Edu.-II.—The Governor, Himachal Pradesh is pleased to nominate Shri M. L. Grover, District Education Officer, Kulu, as a member on the Curriculum Committee of the Himachal Pradesh Board of School Education, in accordance with Regulation 36(v) of Chapter III of the Regulations of the Himachal Pradesh Board of School Education.

PRAKASH CHAND,
Secretary.

HORTICULTURE DEPARTMENT NOTIFICATION

Simla-2, the 7th April, 1972

No. 47-4/70-Hort. Sectt. —Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of building at Naubahar, Simla-2, Village Malyana, Tehsil Kasumpti, District Mahasu, Himachal Pradesh, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Collector, Mahasu district, Kasumpti, Himachal Pradesh.

SPECIFICATION

District: MAHASU Tehsil: KASUMPTI

Village	Khasra No.	Area
1	2	Big. Bis.
3	4	
MALYANA	51	8 1
	52	3 14
	43/1	0 5

1	2	3	4
	41	0	5
	39		
	40		
	42	6	4
	43/2		
	45		
	46		
	Total	18	9

By order,
K. C. PANDEYA,
Secretary.

INDUSTRIES DEPARTMENT NOTIFICATIONS

Simla-2, the 4th April, 1972

No. 2-98/69-SI.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Governor of Himachal Pradesh is pleased to publish the following award of the Industrial dispute between Shri Har Amar Singh, ex-Driver Vs. the Management of Himachal Government Transport, Dhalli Region, which was received by the Government on the 23rd December, 1971.

AWARD BEFORE THE HIMACHAL PRADESH INDUSTRIAL TRIBUNAL, MANDI REFERENCE NO. I OF 1970

In the matter of an industrial dispute between Shri Har Amar Singh a workman (Driver) Petitioner and the Management of Himachal Government Transport, Dhalli Region, Dhalli Respondent.
AWARD.

An industrial dispute between the parties aforementioned has been referred to this Tribunal for adjudication under clause (d) of Sub-section (1) of section 10 of the Industrial Disputes Act, 1947. The matters specified for adjudication are—

“Whether the overtime claim as put in by Shri Har Amar Singh and consequently verified by the Labour Inspector, Mahasu Circle, Kasumpti for Rs. 260.21 in lieu of 200 hours and 10 minutes overtime work is binding upon the management and whether the action of the Regional Manager, Himachal Government Transport Dhalli Region, Dhalli in terminating the services of Shri Har Amar Singh a daily-waged driver, w.e.f. 26th February, 1966 without serving a written termination order on him is justified and in order? If not, to what relief/exact amount of compensation the ex-driver is entitled to?”

In the statement of demands filed by the petitioner under rule 10-B of the Industrial Disputes (Central) Rules 1957 it is contended that the petitioner was employed by the respondent as driver w.e.f. 5th August, 1965 that during the course of misconduct for alleged embezzlement of money on 15th September, 1965 and without holding a regular enquiry as required under Rule 13(2) of the Industrial Employment (Standing Orders) Central Rules, 1946 which are applicable, to workmen employed by the respondent, terminated his services w.e.f. 26th February 1966 without serving any notice or order of termination in writing on him. that the respondent also instituted a criminal case against him u/s 409 IPC for alleged embezzlement

of money in which he was ultimately acquitted by the trial court on 15th October, 1968; that the respondent even after acquittal did not re-instate him in service and that termination being illegal he was entitled to be re-instated w.e.f. 26th February, 1966 and was also entitled to get his full amoluments for the entire period for which he had not been paid. The petitioner has further contended that during his employment he had performed overtime duty for 200 hours and 10 minutes as verified by the Labour Inspector, Mahasu Circle, Kasumpti and was entitled to get Rs. 260.21 as remuneration for overtime work from the respondent.

The demands of the petitioner have been refuted by the respondent and it has been pleaded that the petitioner was a daily-waged worker appointed by an order dated 5th August, 1965 which specifically provided that his services were liable to be terminated at any time without notice that in pursuance of that condition the respondent was fully competent to dispense with the services of the petitioner which was actually done on 26th February, 1966 when his services were no longer required and that want of a written order of termination or of notice did not amount to a breach of any rule so as to make the order illegal or entitled the petitioner to any compensation. It is admitted that the petitioner had embezzled an amount of Rs. 627.00 for which he was prosecuted under section 409 IPC in Delhi Court and was acquitted by the said court on a benefit of doubt; but it is desired that his services were terminated by way of punishment for the alleged embezzlement. It is averred that the petitioner's services were dispensed with as no longer required by the respondent and that the action taken fully justified.

It is further pleaded that the Industrial Employment (Standing Orders) Act, 1946 and the rules framed thereunder are not applicable to Himachal Government Transport as the workmen employed therein are persons to whom the Fundamental and Supplementary Rules, Central Civil Services (Classification Control and Appeal) Rules and Central Civil Regulation apply, within the meaning of section 13(b) of the said Act.

The petitioner's claim for compensation for overtime work has also been contested and it has been pleaded that neither any overtime duty was performed by him nor any claim for the same was submitted by him to the respondent in time and the claim, if any, had become time barred. It has been further pleaded that a daily-waged worker was not entitled to claim compensation under the rules for overtime work. It has been desired that the claim of the petitioner was verified by the Labour Inspector and has been further urged that under the rules no Labour Inspector was entitled to verify such a claim or to bind the management to make payment thereof.

On the above pleadings and the statements of the parties recorded on 24th May, 1971, the following issues have arisen for determination:—

1. Whether the petitioner while in the service of opposite party during the period from 6th August, 1965 to 25th February, 1966 performed any overtime duty? If so, for how many hours? O.P.P.
2. Whether the petitioner is entitled to overtime allowance in lieu of overtime duty performed by him? If so, what is the amount due? O.P.P.
3. Whether action of the Regional Manager, Dhalli in terminating the services of the petitioner without serving any notice and without an order in writing was justified and in order? O.P.P.

4. If issue No (iii) is decided against the opposite party then is the petitioner entitled to re-instatement or to other monetary compensation? If so, how such? O.P.P.
5. Whether the claim of the petitioner for overtime dues is time barred? O.P.P.
6. Whether the Industrial Employment (Standing Orders) Act, 1946 does not apply to the present case by virtue of section 13(b) of the Act and the Himachal Government Transport employees including daily-waged workers are governed by the Fundamental and Supplementary Rules etc. etc.?

In support of their respective pleas, the parties have produced evidence both documentary and oral and have also addressed lengthy arguments. The petitioner has filed written arguments as well, of which a copy was supplied to the respondent before the arguments were commenced.

As is evident from the order of reference the dispute between the parties is two fold. The first is regarding the petitioner's claim for Rs. 260.21 in lieu of 200 hours and 10 minutes overtime work and the second regarding allegedly wrongful termination of his services by the Regional Manager, Dhalli Region, Dhalli and the consequent claim for re-instatement and payment of back wages. Part I of the dispute is covered by issues Nos. (i), (ii) and (v) and Part II by the remaining issues Nos. (iii) and (iv) and (vi) both the parties may be taken up and disposed of separately as hereunder:—

Part I. Before dealing with the first two issues, the legal issue regarding limitation viz. issue No. (v) may be noticed first. The objection of the respondent is that the claim regarding overtime dues is time barred and that the same should have been submitted by the petitioner to Regional Manager, Dhalli while still in service or immediately thereafter. No law has been cited by the respondent in support of the objection. Shri H. K. Hans who argued the case for the respondent promised to produce some rulings in support of the objection but failed to do so even though time was given to him for that. He however argued that there had been inordinate delay in preferring the claim and that the same should not be entertained. There appears to be little force in that contention and even though Shri P. D. Abrol RW 4 who was Regional Manager Dhalli at the relevant time has deposed that no claim for overtime dues was submitted by the petitioner to him. I find from Ex PW 113 which is a report of the Labour Inspector, Mahasu Circle, Kasumpti submitted by him to the Labour Commissioner, Himachal Pradesh at page 9 of his office file No. SNM-15 (v)/64-430 that within less than six months of the alleged date of termination of his services the petitioner had made a complaint to the Labour Commissioner, regarding non payment of overtime dues and other compensation regarding rest periods etc. and the same had been forwarded to the Labour Inspector for enquiry and report. This cannot be said to have amounted to inordinate delay so as to deprive the petitioner of his claim for overtime dues. It is not difficult to presume that before approaching the Labour Commissioner the petitioner must have approached the Regional Manager, as contended by him, for necessary relief, even though he may have done so verbally and in any case failure to make the claim in the

first instance to the Regional Manager cannot be regarded as fatal. The order of reference too shows that at no stage had the respondent objected to the claim of the petitioner on the ground of limitation. The objection is clearly without force and I decide the issue against the respondent.

The other two issues may be taken up together. In the written arguments submitted by the petitioner it is contended that in view of the term of reference the respondent cannot raise the plea that no overtime work has been done by the workman and further that issue No. (1) is illegal as it cuts at the root of the terms of reference. No such objection was taken when the issues were framed, not at any stage during the course of the present enquiry. I would have over-ruled the objection straight way but to my surprise when the representative of the respondent commenced his reply he agreed that issue No. (1) was beyond the scope of reference and that he had no objection if the same was struck off on that ground I asked the respondent if he was prepared to make a statement to that effect but he declined, and rightly so, to make that statement.

A careful reading of the reference order would show that it neither accepts nor assumes that the petitioner has actually performed overtime duty for 200 hours and 10 minutes and is entitled to get Rs. 260.21 for the same. It merely states the claim of the petitioner as verified by the Labour Inspector and poses the question whether the same is binding on the respondent management. As such the respondent is not barred to contest the claim of the petitioner on the ground that no overtime duty was ever performed by him nor can he be restrained from showing that the claim was not verified by the Labour Inspector in a proper manner. The issue as framed is, therefore, correct and the objection of the petitioner cannot be upheld.

The claim for overtime dues is challenged by the respondent on various grounds. In the first place it is contended that a daily-waged worker is not entitled to claim compensation for overtime work. This objection is contained in the rejoinder but was not seriously pressed during argument. Even otherwise the objection is baseless. A daily-waged worker is a worker within the meanings of the Motor Transport Workers Act, 1961 and the Minimum Wages Act, 1948 and is entitled to compensation for overtime work. Section 26 of the former Act clearly provides for payment of overtime dues and makes no exception in the case of a daily-waged driver.

The material question to be considered next is as to whether the petitioner has performed overtime duty during the course of his employment for 200 hours and 10 minutes and whether he is entitled to claim Rs. 260.21 as compensation in lieu thereof? In support of that claim the petitioner has examined Shri Jawahar Lal Chauhan PW/1 who at the relevant time was Labour Inspector, Mahasu Circle and examined the records of the respondent to verify the claim. He has deposed that the letter Ex PW 1/1 was sent by him to the Regional Manager Dhalli Region, Dhalli after examining the relevant log books and the attendance registers which were obtained by him from the office of the Regional Manager. According to the said letter the petitioner was found to have performed overtime duty for 200 hours and 10 minutes and was entitled to get Rs. 260.21 as wages in lieu thereof. The details of overtime work are contained in the list which was enclosed with the letter under reference. The letter refers to two other claims also regarding weekly rests, and one national

and festival holiday for which the Labour Inspector found him entitled to get Rs. 176.80 and 10.40 respectively as wages. It appears that while the Regional Manager accepted the claim regarding weekly rests and one national and festival holiday he contested the other claim regarding overtime dues. The contested claim forms part of this reference and stands proved from the statement of witness. His conclusions are based on the entries in the relevant log books or attendance register maintained and examined by the employees of the management itself, in the normal course of their duties. The books and registers have been produced by the respondent on being requisitioned by the petitioner and have thus come from proper custody. In the circumstances I find no justification to suspect their genuineness or authenticity and think that the Labour Inspector was right in basing his conclusions on the same. It is significant that apart from general criticism regarding the unsatisfactory manner in which enquiry was made by the Labour Inspector, without associating the Regional Manager with it, or challenging his power to make such an enquiry no effort has been made to show that the details of overtime work given in the list accompanying the letter Ex. PW 1/1 do not tally with the entries in the log books or the attendance register. Subject to the above criticism besides others to be noticed hereafter the conclusion reached by the Labour Inspector must be held to be correct and in accordance with the entries in the log books.

As already pointed out the claim of the petitioner has been contested on various grounds. One of the objections has already been discussed in a previous para. The second objection is that the Labour Inspector had no power to enquire into the matter and could not send for and examine the record of the respondent. Shri Jawahar Lal Chauhan PW 1 was cross-examined on that point. His reply is clear that a Labour Inspector is fully competent to enquire into such matters under the Motor Transport Workers Act, 1961, as well as under the Minimum Wages Act, 1948 and Payment of Wages Act, 1936. The powers of the Inspectors specified in the aforesaid Acts and in the Minimum Wages (Central) Rules, 1950 entitle them to inspect the records and to call the same to this office whenever, considered necessary. The objection of the respondent is therefore, without force and cannot prevail. It is not worthy that when PW 1 inspected the records in the office of the Regional Manager and later called to his office such records as were not available on his first visit, no objection whatsoever was raised to the procedure by the officer concerned. It is, therefore, futile to urge at this stage that the Labour Inspector had no power to entertain the complaint of the petitioner or to inspect the records in order to find out how far the claim for overtime dues was correct. Besides it has to be clearly understood that the question of the Labour Inspector's competency would have been material if his finding was desired by the other party to be made the basis of his claim. It was open to the respondent to show from the relevant record that the conclusion reached by the Labour Inspector was wrong on facts and was not in consonance with the entries in the log books. This has not been done and the criticism that the enquiry made by him was without jurisdiction is, to say the least, of no avail. This also meets the objection of the respondent that as he was not associated with the enquiry the same should not be held proper or binding. There was nothing to prevent him from showing in the present proceedings that the conclusion of the Labour Inspector was wrong. Besides, I find that the Regional Manager was not excluded from the enquiry. A number of log books

were examined by the Labour Inspector in the office of the respondent and the remaining books or registers which were not available in the office were sent for afterwards from the Regional Manager himself. The latter took part in the conciliation proceedings in which the claim for overtime dues was also discussed and contested by him. It cannot therefore be said, that he was not associated with the enquiry at all. The mere fact that the Labour Inspector met the Regional Manager to discuss the matter with him after he had issued the letter Ex PW 1/1, as stated by him (PW 1) does not show that the enquiry was held behind his back. The discussion which took place after inspection of log books etc. in fact formed part of the enquiry and there could be no intention to exclude the respondent from those proceedings. The objection is therefore meaningless and not of any avail.

It is next contended that it had not been shown that the overtime duty was performed with the permission of the respondent. This was put to PW 1 during cross-examination and his reply is significant. He has stated that there was nothing in law requiring the employee to take permission of the employer for doing any overtime work. He has further added that it is to be presumed that an employee would work overtime if overtime work has actually been performed and if that has been shown or proved the employee becomes entitled to wages for overtime work, the presumption being that no body would work for another if not desired by him. In this connection the statements of Shri P. D. Abrol RW 4 at page 17 may be referred to with advantage. He says:—"If a driver goes on a long trip which keeps him busy for more than eight hours daily than he is to be compensated for overtime work". A driver sent on long trip is not required to work for more than eight hours at a stretch. If however, he actually works for more than the normal period he is duly compensated. The crux, therefore, whether a workman has worked for more than the normal hours and if that is shown, he naturally becomes entitled to compensation for overtime work.

Finally it is contended that the Labour Inspector was wrong in assuming that the duties of the petitioner started each day at 9 A.M. and in making his calculations on that basis to find out the hours of duty over and above the normal hours, for which he was entitled to receive wages at the enhanced rates. In this connection reference has been made to the statement of Shri P. D. Abrol RW 4 who has deposed that for purposes of overtime work it is the steering duty alone which is taken into account. The learned representative who argued the case for the respondent has also referred to the definition of the term "hours of work" as given in clause (f) of section 2 of the Motor Transport Workers Act, 1961 and has argued that mere presence of the driver would not count towards duty and it should have been shown that the petitioner had actually performed some duty during the period for which overtime wages are claimed. In this connection it would be necessary to refer to the statement of PW 1 which is to the following effect:—

"The overtime was calculated by me on the basis that the duty of a cleaner or driver commences at 9 A.M. every day regardless of the fact as to when he was sent with a vehicle on running duty. In the attendance register only the presence of the employees is recorded but timings are not mentioned as to when a particular employee presented himself for duty and up to what time he remained present. The presumption that the working

hours start at 9 A.M. is based on the statement(s) of the workman in the present case of the petitioner. I enquired from the officials of the Regional Office, Dhalli regarding the commencement of duty but they were not able to give any specific reply and therefore I issued a letter to the Regional Manager, Dhalli of which a copy is at page 24 of file No. SNM/j5 (E) 64 to find out the working hours of the drivers etc. The only reply which I received and is at page 30 of the said file stated that the matter had been taken up with the General Manager, Himachal Pradesh Government Transport and information as required would be sent in due course. No communication however was received thereafter....".

I have reproduced the relevant portion in extense as it provides an answer to the objection of the respondent. In the attendance register no timings of arrival or departure are given, without which the very purpose of maintaining such registers is defeated. Normally an employee is expected to appear for duty at 9 A.M. every day and if the register is silent about the time of arrival of any employee it has to be presumed that he must have presented himself for duty at the appointed hour. Shri P. D. Abrol has stated that the petitioner was supposed to join duty on the 6th August, 1965 at 9 A.M. During enquiry the Labour Inspector wanted to be enlightened on the point but it appears that there were no rules in existence and the reply which he received from the Regional Manager, Dhalli merely indicated that clarification on the point had been sought from the General Manager Himachal Government Transport and it was stated that on hearing from the General Manager further reply to the query would be sent. Nothing on the subject was heard thereafter and the Labour Inspector made his calculations on the presumption that the duty started at 9 A.M. on each day on which the presence of the employee was marked in the attendance register. It is argued that the Labour Inspector did not await the reply, which would have been furnished to him by the Regional Manager on hearing from the General Manager. It is however, significant to note that to this day the required information has not been given. If there had been any rules or instructions on the subject, the respondent would not have failed to produce these during the present proceedings to rebut the case of petitioner and disprove the findings of the Labour Inspector. Reference to the definition of the term 'hours of work' as given in clause (f) of section 2 of the Motor Transport Workers Act is also of little avail and does not show that the conclusion reached by the Labour Inspector is wrong. I accordingly reject the contention of the respondent and hold that the claim of the petitioner with respect to overtime work for 200 hours and 10 minutes as verified by the Labour Inspector is correct.

No objection has been raised regarding the quantum of compensation or the rate at which the same has been calculated. I accordingly hold that the petitioner is entitled to receive Rs. 260.21 as wages for overtime work from the respondent management.

PART II. The claim of the petitioner referred to in the later portion of the reference order is covered by the remaining three issues, of which issue No (v) may be taken up first. The contention of the respondent is that as the employees of the Himachal Government Transport governed by the Fundamental and Supplementary Rules, Central Civil Services (Classification, Control and Appeal) Rules, Central Civil (Temporary Services) Rules, Revised Leave Rules and Central Civil

Regulation, the provision of the Industrial Employment (Standing Orders) Act, 1946 cannot be invoked by the petitioner to support his claim. For this he has relied on section 13-B of the Industrial Employment (Standing Orders) Act itself.

The petitioner's case is that as the Government had issued no notification in the official Gazette referred to in section 13-B the employees of the Transport Department were governed by the Industrial Employment (Standing Orders) Act, 1946.

I do not think that the contention of the petitioner has force, and a careful reading of section 13-B would show that notification is required only in case of rules or regulations applicable and not in the case of Fundamental and Supplementary Rules etc. The section reads as under: 13(-B): "Nothing in this Act shall apply to an industrial establishment in so far as the workmen employed therein are persons to whom the Fundamental and Supplementary Rules Civil Services (Classification Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulation Civilian in Defence Service (Classification, Control and Appeal Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the official Gazette apply.

The words underlined above are of special import and show that the provision regarding notification by the appropriate Government in the official Gazette apply to 'any other rules or regulations' other than the Rules etc. specified in the earlier portion of the section, and not to rules and regulations specifically mentioned therein. No other interpretation appears to be reasonable. The petitioner's contention is accordingly over ruled.

The question to be determined is whether the Fundamental and Supplementary Rules etc. apply to all the employees of the Himachal Government Transport including the daily-waged workers or not. No documentary evidence has been produced by the respondent to support his contention and reliance has been placed on the statement of Shri P. D. Abrol RW/4 alone. The witness was the Regional Manager in the Dhalli Region at the relevant time. His statement is to the following effect:—

".....The Industrial Employment (Standing Orders) Act, 1946 is not applicable to the employees of the Himachal Government Transport. In so far as I remember there was an exemption excluding the operation of the Industrial Employment (Standing Orders) Act, 1946 to the employees of the Himachal Government Transport. There are no rules governing the daily-waged employees except certain orders with regard to grant of rest period and some other gazetted holidays.....".

The witness has further on deposed during cross-examination as under:—

".....I do not think that the Fundamental Rules which are applicable in the case of regular employees of the Himachal Government Transport are also applicable to the daily-waged workers.....".

No order regarding exclusion of the Industrial Employment (Standing Orders) Act, 1946 referred to by the witness has been produced and even though I would not hold, nor it is necessary to give a finding in the case of regular employees of the Himachal Government Transport that the Fundamental and Supplementary Rules etc. are applicable to them, there being no material on the

record to give that finding, I would certainly decide that in the case of daily-waged workers like the petitioner the Industrial Employment (Standing Orders) Act, 1946 applies with full force. This has been admitted by the respondent's own witness and I see no reason to hold to the contrary. To this limited extent I decide the issue against the respondent. Lengthy arguments have been addressed to support the contention that the provisions of the Industrial Employment (Standing Orders) Act, 1946 do not apply to the employees of the Himachal Govt. Transport but they all relate to regular employees and need not be noticed here as in the present case we are merely concerned with the case of a daily-waged worker who is clearly governed by the provision of the aforesaid Act.

Issues Nos. (iii) and (iv) may be taken up together. There is no dispute that the petitioner was appointed as driver on the basis of a written order dated 5-8-65 E.P.W 4/1 is that order and the same may be reproduced hereunder for a clear understanding of the questions involved. The order says:—

'Shri Har Amar Singh Sewak s/o Shri Sunder Singh is hereby engaged as driver w.e.f. 6-8-65 on daily wages. His services are likely to be terminated at any time without notice'.

The above order has been passed by Shri P.D. Abrol RW 4 in his capacity as Regional Manager, Himachal Government Transport Dhalli. In the Industrial Employment (Standing Orders) Act, 1946 there is a provision for drafting standing orders and in schedule I of the rules framed thereunder the following classification of workmen is given in the Model Standing Orders:—

Classification of workmen:

(a) Workmen shall be classed as—

1. Permanent.
2. Probationers.
3. Badlis.
4. Temporary.
5. Casual.
6. Apprentices.

Sub-clauses (b) to (g) contain interpretations of the above mentioned classes of workmen. It may now be seen in which of the above categories the case of the petitioner falls. The petitioner has first contended that he was a permanent employee, but during arguments his representative, Shri Romesh Rattan, tried to show that he was a probationer. Shri H.S. Hans who argued for the respondent however did not admit that contention and said that a daily-waged worker did not fall under any of the aforementioned six categories. He argued that the Government could engage a workman outside the said categories and that the petitioner was one such employee who was neither permanent nor temporary nor a badli or a probationer nor casual nor an apprentice. The statement of Shri P. D. Abrol RW 4 however is clearly against the contention of Shri Hans. He has deposed that a daily-waged worker like the petitioner is a casual workman whose services can be terminated any time without notice. Shri Abrol being the appointing authority has to be believed more than any body also on this point for he can best say what class of a workman he was engaging or had engaged when he passed the order Ex RW 1/1. Even otherwise I find that the definitions given of the various categories of workmen make the petitioner fall more appropriately in the category of a casual workman. Sub-clause (f) of Model Standing Order 2 defines a casual workman as a workman whose employment is of a casual nature. The petitioner was appointed on daily-wages and his services were likely to be terminated any

time without notice. He was, therefore, a casual workman. No order of the Government has been shown in support of the contention that he was a workman of a different class outside the six categories mentioned in the Model Standing Orders. I have already held that the case is governed by the Industrial Employment (Standing Orders) Act, 1946 and the rules framed thereunder and the only reasonable interpretation can be that the petitioner came under one of the six categories given in the rules.

The contention of the petitioner to that he was a permanent employee or a probationer does not hold good for the simple reason that he was neither engaged on a permanent basis nor was provisionally employed to fill a permanent vacancy, as mentioned in the definition of categories (b) and (c). His representative has argued that the practice in vogue in the Himachal Government Transport was that workers used to be taken on daily-wage basis and when the posts against which they were intended to be employed were got sanctioned they used to be regularised in any of the categories mentioned in the Model Standing Rules. There is not much evidence on that point but even if that were so, it had to be shown that post against which the petitioner was appointed was got sanctioned later on and was made permanent. It cannot therefore be said that he was a permanent employee and since he was not provisionally employed to fill a permanent vacancy he could not be but to be a probationer there.

For the aforesaid reasons I hold that the petitioner was employed as casual worker.

It may now be seen whether termination of his services was regular or being by way of punishment contravened any of the provisions of the Industrial Employment (Standing Orders) Act, 1946 or of Art. 311(2) of the Constitution. The petitioners case is that he was wrongly charged for embezzlement of Government money and was prosecuted under section 409 IPC in a court at Delhi in which he was acquitted after a prolonged trial. It is stated that he was suspended and action against him was taken without any notice being served on him or an enquiry being held without any notice being served on him or an enquiry being held as required under section 13(2) of the Industrial Employment (Standing Orders) Act, 1946 and also under Art. 311(2) of the Constitution.

The reply of the respondent is that the services of the petitioner were not terminated by way of punishment nor was he ever suspended. It is stated that his services were terminated as no longer required and that the termination was fully in accordance with the appointment order which gave the Regional Manager a right to terminate the services of the petitioner at any time without notice. It is admitted that a case of embezzlement of Government money was launched against the petitioner, but it is urged that the termination of his service had nothing to do with the criminal case. It is further stated that the petitioner had been acquitted on a benefit of doubt.

I have carefully considered the above arguments and my view is that there has been no breach of any of the provisions of the Industrial Employment (Standing Orders) Act, 1946 particularly of section 13 (2) nor of Art. 311 (2) of the Constitution. None of the aforesaid provisions affords protection to a casual worker if he had been a temporary worker then provisions of section 13 (2) of the said Act could have been brought into play and so also the provisions of Art. 311 (2) of the Constitution, of his services had been terminated by way of punishment. A casual

worker even if removed from service by way of punishment cannot claim protection under the aforesaid provisions. The petitioner even if he had been a probationer could not seek relief of reinstatement in the absence of an order of termination on the ground of misconduct and by way of punishment. See 1958 SC(36). In that case their lordships held that if an employer simply terminates the services of a probationer without holding an enquiry and without giving him a reasonable chance of showing source against his removal from service the probationary servant can have no cause of action even though the real motive behind the removal from service may have been that his employer thought him to be unsuitable for the post he was temporarily holding on account of his misconduct or inefficiency or some such cause. In the present case too the petitioner was no doubt prosecuted u/s 409 IPC for alleged embezzlement of Government money and this may have been a reason in the mind of the employer to terminate his services but this alone is not of much avail to him as he has not shown that order of termination of his services even though oral, was by way of punishment. A simple order of termination of service given him no right to claim protection u/s 13 (2) of the Industrial Employment (Standing Order) Act, 1946 or under Art. 311 (2) of the Constitution.

It may now be seen as to when and how the services of the petitioner were actually terminated and to what relief, other than re-instatement, he is entitled the relief of re-instatement is not open to him on the short ground that being a casual workman, his services, according to the order of appointment could be terminated without notice, and at any time by the Regional Manager who had appointed him. An order terminating his services need not have been served upon him in writing, and cannot be questioned on that ground. The order could as well be passed by an officer officiating in place of Shri P. D. Abrol. In the present case it is alleged that the services of the petitioner were terminated by Shri Subramanum Iyer on 26-2-66. The said officer is no more in the service of the Himachal Pradesh Government. The order of termination was not passed in writing but verbally. There is of course nothing illegal about the manner in which the services of the petitioner were terminated; but the method adopted is strange, for in a Government Department one usually expects that when their services are terminated some record must be maintained as evidence of the fact of termination. The petitioner had been appointed by an order in writing. A test was taken by a duly constituted Board to see if he could drive a vehicle and cash security was also taken from him at the time of his appointment. It is curious that while terminating his services no order could have been passed or recorded in the office file. The procedure adopted was like dismissing a domestic servant who is appointed as well as disengaged on verbal orders by his master. Such a practice even if in vogue should not be encouraged in a Government Department. The quantum or measure of proof of such verbal orders of termination of services should be obviously much strange. The evidence adduced to show that Shri Subramanum Iyer terminated the services of the petitioner on 26-2-66 and personally communicated the same to him is weak even by an ordinary standard. It consists uncorroborated testimony of Shri Atam Dev Arora RW 1 Shri Subramanum Iyer has not been produced nor sufficient effort appears to have been made to find out his house address. The statement of Shri Rup Singh RW 5 Superintendent Establishment, Head Office Transport does not show that genuine efforts were made to trace Shri Iyer or his home address. Shri Atam Dev Arora had made the following statement on the point in question.

"... It was probably in 1966 when Shri Subramanum Iyer was Regional Manager, Dhalli that the petitioner came to him in my presence and told him that he may be allowed to continue and may be excused for any mistake if committed by him. Shri Subramanum Iyer however told the petitioner that his services were no longer required. The petitioner repeated his request two or three times but Shri Iyer plainly told him that he was a daily-waged driver and his services were no longer required. The petitioner then said that it was up to him to allow him to continue in service or not. After this the petitioner left the workshop where this talk took place. Shri Iyer had come to the workshop on an inspection round...."

The above statement shows that order of termination of service was not communicated to the petitioner in the presence of the witness and the talk referred to by the witness took place between the employer and the employee in the workshop. Later on, the petitioner could have entracted the Regional Manager in his office and at the time when the occasion for making entries later on and that too in the workshop. It is strange that none has come to forth corroborate the testimony of this witness although the talk took place in the workshop in which about 150 persons are said to be engaged. The petitioner in his own statement as a witness has denied that the order terminating his services was conveyed to him by Shri Iyer or anybody else. His statement is to the following effect:—

"..... Before 30-6-1966 no order was served on me in writing terminating my services as a driver nor any verbal order was given to me by the Regional Manager regarding termination of my services. It was on 30-6-1966 at the time of my arrest that for the first time I was told by the Regional Manager that my services have been dispensed with. No order in writing was received by me even afterwards....."

It is true that no order in writing was required to be delivered to the petitioner but it had at least to be communicated to him orally. This is not proved to have been done on 26-2-66 or even afterwards till 30-6-1966 when at the time of his arrest the petitioner was told by Shri P. D. Abrol that his services had already been terminated and that the Department did not owe him anything. Shri Arora RW 1 has not given any date on which the talk referred to by him had taken place between the petitioner and Shri Subramanum Iyer. He has not even given the month and all he says is that it was probably in 1966 that the aforementioned talk had taken place.

The petitioner had urged that on account of a false charge of embezzlement of Government money he was not given any vehicle for driving after 26-2-66 and that he was put under suspension and continued to appear before the timekeeper there after till 30-6-66 when the police arrested him in the office of the Regional Manager. Although there was no suspension order in writing but from various circumstances following 26-2-66 it is not difficult to believe the petitioner's story. He has examined four witness namely Sarvshri Yash Paul PW 2, Parshotam Chand PW 4, Dalip Singh PW 5 and Shambhu Ram PW 6 who have supported his version that he had been attending the workshop regularly from 26-2-66 to the date of his arrest viz. 30-6-66. It is also clear from the statements of the witnesses that the police had taken the petitioner from the workshop to the office of the Regional Manager where he was put under arrest and hand-cuffed. It is only when an employee is suspended that he is required to attend the office daily till the decision of the charges against him. I further find that in the attendance register the name of the petitioner continued to be mentioned in the list of the drivers till June, 1966. If his services had

been terminated then his name would not have appeared in the Attendance Register. Of course he was marked absent from 26-2-66 onwards, which was probably done as no vehicle was given to him for driving, but shows that his name continued to be entered in the Register as an employee. In the entries for March, 66 the following words are written in the last column:—

“... Will be drawn latter on” (Ex CW 1/1). Although it is not specifically so mentioned but the remarks obviously pertain to pay/or allowance which was payable to the petitioner. Had his services been terminated on 26-2-66 these words would not have appeared in March and so also his name which continued to be entered till June, 1966. It will not be very wrong to say that he was kept under suspension (though not by an order in writing) and made to attend the office of the timekeeper till 30-6-66 so that he should not give a slip to the police and should be at hand for the enquiry by the police, to whom the matter had already been reported by Shri P. D. Abrol. Although his services could be terminated by an oral order but this was not done or at least the order was not conveyed to him with an ulterior purpose till 30-6-66, when at the time of his arrest he was told by Shri P. D. Abrol that his services had already been terminated. In 1962 LLJ 498 their Lordships of the Supreme Court held somewhat to the following effect:—

“...that the relationship of the employer and employee could be effectively terminated in such a case not merely by the decision of the employer to terminate the employee's services but by the communication of the said decision to the employee....”

It would appear that communication of the order of termination is essential. Although in the above case a notice was necessary to terminate the services of the employee and that notice was not served on him for a long time, but that makes hardly any difference to the case of the petitioner for what was necessary was the actual order of termination whether oral or in writing, which the Regional Manager ought to have passed. I have no hesitation in holding and the fact stands established from the various circumstances referred to above that the petitioner was told on 30-6-66 for the first time by the Regional Manager that his services had been terminated. I further hold that he is entitled to receive his wages from the management till that date and not merely till 26-6-66.

I find that no wages were paid to the petitioner even for the period from 1-2-66 to 26-6-66. This should have been done when the services were desired to be terminated. The provisions of the Industrial Disputes Act and the Payment of Wages Act have to be complied with when the services of a workmen are terminated section 5 (2) of the latter Act provides that:—

“Where the employment of any person is terminated by or on behalf of the employer the wages earned by him shall be paid before the expiry of the second day from the day on which his employment is terminated.”

The fact that no wages were paid to the petitioner on 26-2-66 further shows that his services were not terminated that day. Now that it has been held that the petitioner continued in service till 30-6-66 the provisions of section 25F of the Industrial Disputes Act, 1947 also come into play and although under the contract of service the petitioner was not entitled to any notice as provided in sub-section (4) of that section, but the provisions of sub-section (b) entitle him to receive compensation to 15 days average pay.

As appears from the letter of the Regional Manager dated 22-11-71 received in compliance with the Tribunal's order dated 26-10-71 the drivers engaged on daily wages

basis used to get Rs. 156.00 per month as their wages in 1966. The amount payable to the petitioner from 1-2-66 to 30-6-66 thus comes to Rs. 780.00 and the amount of compensation to Rs. 78/-. The total amount to be received by him from the respondent management comes to Rs. 858/-. This is over and above the amount of compensation for overtime work which is Rs. 260.21. The amount allowed to the petitioner by the Conciliation Officer and not paid to him so far is not the subject matter of this reference and the petitioner is free to take necessary steps separately for its recovery. I decide issues No. (ii) and (iv) as above.

In the result I partially allow the claim of the petitioner and hold that he is entitled to get Rs. 260.21 as compensation for overtime work and Rs. 858.00 on account of wages and compensation for his services which continued up to 30-6-1966. His claim for re-instatement is however rejected.

I further allow Rs. 100 to the petitioner as costs of this reference.

Awarded.
Sd/-
Presiding Officer,
Industrial Tribunal,
Himachal Pradesh, Mandi.

True Copy
Sd/-
Presiding Officer,
Industrial Tribunal,
Himachal Pradesh, Mandi.

The award is submitted to the Secretary Industries to the Government of Himachal Pradesh for further action as required under section 17 of the Industrial Disputes Act, 1947.

Sd -
Presiding Officer,
Industrial Tribunal,
Himachal Pradesh, Mandi.

Simla-2, the 7th April, 1972 .

No. 2-94/69-SI.—Whereas the Governor, Himachal Pradesh is satisfied that the public interest so requires:

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (XIV of 1947), the Governor, Himachal Pradesh is pleased to declare Himachal Pradesh Government, Transport Service to be Public Utility Service in Himachal Pradesh for the purpose of the said Act for a further period of 6 months with effect from 4th March to 3rd September, 1972.

CORRIGENDUM

Simla-2, the 7th April, 1972

No. 2-361/69-SI.—In this Department's notification of even number, dated the 25th February, 1972, please read in para 1 thereof “Chief Engineer, Himachal Pradesh Public Works Department, Simla”, for “Chief Engineer (South) Himachal Pradesh Public Works Department, Simla” and “Shri H. L. Sethi, General Secretary, Municipal Employees Union, Simla” for “Shri Gauri Nandan, General Secretary, Municipal Employees Union, Simla”, at serial Nos. 5 and 8 respectively.

NOTIFICATIONS

Simla-2, the 14th April, 1972

No. 2-130/69-Vol. II.—In pursuance of the provision contained in rule 7 (1) of the Himachal Pradesh Khadi and Village Industries Board Rules, 1966 and all other powers

enabling him in this behalf, the Governor of Himachal Pradesh is pleased to order that the Secretary of the Himachal Pradesh Khadi and Village Industries Board shall be entitled to consolidated remuneration of Rs. 700 p.m. w.e.f. 1-3-1968, from the funds of the said Board.

By order,
P. K. MATTOO,
Secretary (Industries).

JAILS DEPARTMENT NOTIFICATION

Simla-2, the 29th March, 1972

No. 5-7/69-Jails.—In supersession of this department notification of even number, dated the 22nd February, 1972, the Governor, Himachal Pradesh is pleased to accord *ex post facto* sanction to the grant of sixteen days earned leave with effect from 14th January, 1972 to 29th January, 1972 with permission to suffix Sunday falling on 30th January, 1972 to Shri Charanjit Singh, Superintendent, Model Central Jail, Nahan.

Certified that he would have continued to officiate but for his proceeding on the aforesaid leave.

Certified also that he was likely to return to the same station of duty from which he was proceeded on the aforesaid leave.

By order,
PRAKASH CHAND,
Secretary.

MULTIPURPOSE PROJECTS AND POWER DEPARTMENT NOTIFICATIONS

Simla-2, the 7th April, 1972

No. 2-3/72-MPP (Sectt.).—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh State Electricity Board at public expenses for public purpose, namely for the construction of Approach road to Tanlog Access Tunnel from Majri-Jateon road, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh Public Works Department, Solan

SPECIFICATION

District: SIRMUR Tehsil: PAONTA

Village	Khasra No.	Area	
		Big.	Bis.
CHIAMAMIANA	183/1	12	14
	101/1	4	0
	102/1	0	4
MAHAT	178/3,2	2	8

Simla-2, the 8th April, 1972

No. 2-5/72-MPP (Sectt.).—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh State Electricity Board at public expense for a public purpose, namely for construction of temporary store shed/rest shed and other office buildings, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This Notification is made under the provisions of Section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officer for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Further in exercise of the powers under the said Act, the Governor, Himachal Pradesh is pleased to direct that action under section 17 shall be taken in this case on the grounds of urgency and provision of section 5-A of the said Act shall not apply in regard to this acquisition.

SPECIFICATION

District: KULU

Tehsil: BANJAR

Village	Khasra No.	Area	
		Big.	Bis.
KOTLA	71/2	5	11
	73/2	7	6
Total		12	17

By order,
K. N. CHANNA,
Chief Secretary.

PUBLIC WORKS DEPARTMENT NOTIFICATIONS

Simla-2, the 5th January, 1972

No. 2-32/70-PWD.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for the construction of Pander-Tattapani road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector Land Acquisition, Himachal Pradesh Public Works Department, Mandi is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Mandi.

SPECIFICATION

District: MANDI

Tehsil: KARSOG

Village	Khasra No.	Area		
		Big.	Bis.	Bisw.
NIHIRI	154/1	0	2	13
	157/1	0	0	14

By order,
Sd/-
Secretary.

OFFICE ORDER

Simla-2, the 4th April, 1972

No. 1-209/69-PWD.—On the recommendations of the Departmental Promotion Committee held on 18th July, 1966, the Governor, Himachal Pradesh is pleased to confirm Shri G. N. Ramaswamiah, as Assistant Engineer in the grade of Rs. 250-25-550/25-750 with effect from 3rd March, 1959.

The orders regarding his seniority in the grade of Assistant Engineers will be issued separately in due course of time.

NOTIFICATIONS

Simla-2, the 6th April, 1972

No. 1-11 69-PWD. In continuation of this Government notification No. 1-11 69-PWD, dated the 19th March, 1971 the Governor, Himachal Pradesh, in consultation with the Himachal Pradesh Public Service Commission vide their letter No. PSC.18/71, dated the 15th February, 1972, is pleased to extend the *ad hoc* appointment of Shri Amarjit Singh, as Superintending Engineer, Himachal Pradesh Public Works Department, up to 31st March, 1972.

C. M. CHATURVEDI.

Secretary.

Simla-2, the 7th April, 1972

No. 2-33 70-PWD. Whereas it appears to the Governor, Himachal Pradesh, that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Thunedhar Bhatt road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh Public Works Department is hereby directed to take order of the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla-9.

SPECIFICATION

District: MAHASI Tehsil: KUMARSAIN

Village	Khasra No.	Area Big. Bis.
BHUT	226/1	0 6
	672/2301/1	1 2
	8/8/803/1	1 6
	694/668-1	0 3
Total		2 17

Simla-2, the 7th April, 1972

No. 2-35 70-PWD. Whereas it appears to the Governor, Himachal Pradesh that land is likely to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Road (disposal works at Lal Pani), it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector, Land Acquisition, U. S. Club, Simla-1.

SPECIFICATION

District: MAHASI

Tehsil: KANGRA

Village	Khasra No.	Area Big. Bis.
BIHAR	21	0 1
	22	1 0
	24	0 4
	42	0 16
	43	0 1
	47	0 19
	48	0 1
	49	0 1
	41	0 2
	1	0 1
	28	0 10
	29	1 10
	30	2 0
	36	1 10
	37	1 8
	38	0 12
	39	1 0
	40	1 9
	45	0 15
	51	0 4
	55	1 0
	56	1 0
	44	0 1
	32	1 0
	23	0 4
	31	0 3
Total		17 10

Simla-2, the 18th April, 1972

No. 2-36/70-PWD.—Whereas it appears to the Governor, Himachal Pradesh that land is required to be taken by the Government at public expense for a public purpose, namely for construction of Dhama-Ray-Talwara road, Sec. Khatiar to Pong Dam Mile No. to 0/7700. It is hereby declared that the land in the locality described below is to be acquired for the above purpose.

2. This notification is made under the provision of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection for the acquisition of any land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Officer, Himachal Pradesh Public Works Department, Kangra.

SPECIFICATION

District: KANGRA

Tehsil: DEHRA

Village	Khasra No.	Area K. M.
TIKKA: KHATIAH	515, 565, 400, 401	27 18
VILLAGE: KATRAH	402, 403, 573, 574, 566, 523, 518, 517, 516, 399, 410, 393, 398, 392	
TIKKA: BANSUM-	142/111, 110, 147,	75 11
BLIAN.	146, 118, 119, 120	
VILLAGE: KATRAH	122.	
Total		103 9

Simla-2, the 18th April, 1972

No. 2-33/70-PWD.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of Khara-Pathar-Mondhol road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition Himachal Pradesh, Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected, in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Simla.

SPECIFICATION

District: MAHASU

Tehsil: JUBBAL

Village	Khasra No.	Area Big. Bis.
JHALARI	1198/1	1 9

By order,

C. M. CHATURVEDI,
Secretary.

**REVENUE DEPARTMENT
NOTIFICATION**

Simla-2, the 19th April, 1972

No. 2-53/66-Rev. I.—In exercise of the powers vested in him under sub-section (2) of section 3 of the Punjab Restitution of Mortgaged Lands Act, 1938, as applied to Himachal Pradesh, the Governor, Himachal Pradesh, is pleased to specially empower Shri I. D. Kaushesh, Sub-Divisional Officer (Civil), Solan, who is an Assistant Collector of the First Grade, to perform the duties of a Collector for the purposes of the said Act to be exercised by him within the local limits of Solan Sub-Division, District Mahasu, from the date he took over the charge of the post.

By order,

V. K. AGNIHOTRI,
Deputy Secretary.

**TRANSPORT DEPARTMENT
NOTIFICATIONS**

Simla-2, the 14th April, 1972

No. 9-2/63. Tpt.—In supersession of this Government Notification of even number, dated the 9th March, 1971, the Governor of Himachal Pradesh is pleased to authorise the Under Secretary (Transport) to Government of Himachal Pradesh, to accord permission for the purposes of Clauses 7, 8 of the Motor Cars (Distribution and Sale) Control Order, 1959, with effect from 1-4-1972.

Simla-2, the 14th April, 1972

No. 20-7/70.Tpt.—In supersession of this Government Notification of even number, dated the 23rd March, 1971, the Governor, Himachal Pradesh is pleased to authorise the Under Secretary (Transport) to the Government of Himachal Pradesh, to accord permission for the purposes of Clauses 8 and 9 of the Scooter (Distribution and Sale) Control Order, 1960, with effect from 1st April, 1972.

By order,

C. M. CHATURVEDI,
Secretary.

**TOURISM DEPARTMENT
NOTIFICATIONS**

Simla-4, the 16th March, 1972

No. 5-69/71-TD(Sectt.).—Whereas it appears to the Governor of Himachal Pradesh that the Land is required to be taken by the Government at public expense for a public purpose, namely for the construction of additional accommodation for Tourists at Dalhousie in Chamba district. It is hereby declared that the land described below is required for the above purpose

The declaration is made under the provisions of section 6 of the Land Acquisition act 1894 to all whom it may concern and under the provisions of section 7 of the said Act the Collector, Land Acquisition, Chamba district at Chamba is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector Land Acquisition Chamba district, Chamba.

SPECIFICATION

District: CHAMBA

Tehsil: BHATTIYAT

Village	Khasra No.	Area in Acres
DALHOUSIE	248/130/2/2	1004

*(including the quarters).

Simla-4, the 16th March, 1972

No. 5-59/71-TD.—Whereas it appears to the Governor of Himachal Pradesh that the land is required by the Government at public expense for a public purpose, namely for the development of Bhagsunath Area at Upper Dharamsala in Tehsil and district Kangra, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 as applied to Himachal Pradesh to all whom it may concern.

3. In exercise of the powers conferred by the aforesaid section, the Governor, is pleased to authorise the

officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey the land in the locality and do all other acts required or permitted by that section.

4. Any person interested, who has any objection, to the acquisition of this said land in the locality may, within 30 days of the publication of this notification, file an objection in writing before the General Assistant (I) Dharamsala-cum-Land Acquisition Collector Kangra at Dharamsala.

SPECIFICATION

District: KANGRA

Tehsil: KANGRA

Village	Khasra No.	Area	
		Kl.	Mrl.
1	2	3	4
TIKKA: BHAGSUNATH	341	0	1

1	2	3	4
MAUZA: DHARAM-SALA	342 340	0 0	3 2
Total		0	6

By order.

P. K. MATTOO,
Secretary.

VIDHAN SABHA SECRETARIAT ORDER

Simla-4, the 10th April, 1972

No. 1-6/65-VS.—In supersession of this Secretariat order of even number, dated the 27th March, 1971, the Speaker, Himachal Pradesh Vidhan Sabha has been pleased to appoint Shri Amar Singh Guleria, Deputy Superintendent of Police, Himachal Pradesh as Sergeant At-Arms (Marshal) for the Himachal Pradesh Legislative Assembly with immediate effect.

Sd/-

Under Secretary

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं

इत्यादि

OFFICE OF THE DISTRICT CO-OPERATIVE AND SUPPLIES OFFICER, CHAMBA, DISTRICT CHAMBA

OFFICE ORDER

Chamba, the 22nd March, 1972

No. 3/71/1862-1868.—Whereas the Bakrota Co-operative better-farming Society, Ltd., Tehsil Bhattiyat, District Chamba, has ceased functioning since long and even the share-money etc. of members has also been returned to its members during the year 1966-67 and in fact there is no member of the society since then i.e. 1966-67. The Society has got no funds at present. There is no Managing Committee of the Society. There is no member. The sole custodian of record and Ex-President of the Society vide No. C.S/250, dated the 5th November, 1971. Under these circumstances the Inspector, Co-operative Societies Bhattiyat Block at Chowari has recommended to put it under winding up operation vide L. No. BTT/273, dated the 9th March, 1972.

I, O.P. Sudal, District Co-operative and Supplies Officer, Chamba, in exercise of the powers conferred upon me u/s 78(1) (c) (ii) of the Himachal Pradesh Co-operative Societies Act, 1968, (Act No.3 of 1969).

I hereby order the winding up of the Bakrota Co-operative better-farming society Ltd., Tehsil Bhattiyat, District Chamba.

I, further under the powers conferred upon me u/s. 79 of the H.P. Co-operative Societies Act, 1968 (Act No. 3 of 1969) appoint Shri Babu Ram, Sub-Inspector, Co-operative Societies, Banikhet, as liquidator of the Bakrota Co-operative better-farming Society Ltd. He is delegated with all the powers of the Liquidator u/s. 80 of the aforesaid Act. The liquidator is also allowed to keep with him cash in hand not exceeding Rs. 20 at a time to meet the liquidation expenses for which approval of the undersigned should be obtained.

Given under the seal and signature of the undersigned today on day of March, 1972.

O. P. SUDAL,
District Co-operative and Supplies Officer.

OFFICE OF THE DISTRICT INDUSTRIES OFFICER CHAMBA, HIMACHAL PRADESH

FORM 'H'

DECLARATION UNDER SECTION 24 OF THE ACT

Chamba, the 6th April, 1972

No. Ind. Loan/59-48-3.—Whereas a notice was served on Shri Tribhushan Kumar Gupta s/o Shri Runku Ram Mahajan resident of Kashmiri Mohalla, Chamba town, district Chamba, Himachal Pradesh on 27-11-67, under section 23 of the Punjab State Aid to Industries (H. P. Amendment) Act, 1964, calling upon the said Shri Tribhushan Kumar Gupta to pay to me the sum of Rs. 5,000 with up to interest only on or before the 31st December, 1967 and whereas the said sum has not been paid, I hereby declare that the sum of Rs. 5,000 and interest thereon (up-to-date) is due from Shri Tribhushan Kumar Gupta and that the property described in the attached schedule is liable for satisfaction of the said debt.

SCHEDULE

1. All movable and immovable assets belonging to Shri Tribhushan Kumar Gupta (the loanee).
2. All assets belonging to the sureties Servshri Baldev Singh Pathanis s/o Shri Phula Singh, caste Rajput, Mohalla Hatnala, Chamba town and Shri Niwas s/o Shri Amar Nath, Mohalla Kashmiri, Chamba town.

V. P. SOOD,

District Industries Officer,
Chamba district, Chamba.

PUBLIC WORKS DEPARTMENT OFFICE ORDER

Simla-1, the 18th March, 1972

No. PWE-148-8/68-V-ES-II-9842-46-B.—In supersession of this office notification No. PWE 148-8/68-ES-II-5919-23-J, dated the 14th September, 1971 and No. PWE-148-8/68-V-ES-II-3308-12, dated the 10th January, 1972, and in exercise of the powers vested in me vide rule 1.26 of the Himachal Pradesh Financial Rules, Vol.

I, 1971, the Land Acquisition Officer, Kangra is hereby declared as Head of Office and Drawing and Disbursing Officer, in respect of Head "50—Public Works" both under Plan and Non-Plan.

The Land Acquisition Officer, Kangra is also declared as Controlling Officer under S.R. 191 for purposes of T.A. etc. in respect of Class III and IV staff.

Sd/-
Chief Engineer (II),
H.P.P.W.D., Simla-1.

NOTIFICATIONS

Simla-3, the 28th March, 1972

No. SE-II-R-54/23953-56.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of Pooh link road, it is hereby notified that land in the locality described below is likely to be required for the above purpose.

The notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector of Land Acquisition, Himachal Pradesh Public Works Department, Kalpa.

SPECIFICATION

District: KINNAUR

Tehsil: POOH

Village	Khasra No.	Area Big. Bis.
1	2	3 4
POOH	197	1 10
	198	0 3
	205	1 6
	206	0 18
	207	0 16
	208	0 2
Total		4 15

Simla-3, the 25th March, 1972

No. SE-II-R-54/23957-60.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for the construction of Guma-Jashla road, it is hereby declared that the land described in the specification below is required for the above purpose.

2. The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition

Mahasu and Outer Seraj, Kulu, Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

3. A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Kasumpti.

SPECIFICATION

District: MAHASU

Sub-Tehsil: KOTKHAI

Village	Khasra No.	Area Big. Bis.
1	2	3 4
MEHRA	306/305/1	0 15
	310/307/1	0 3
	313/307/1	2 1
Total		2 19

Simla-3, the 21st April, 1972

No. SE-II-R-54/XVII-1309-12.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for the construction of Rohru-Chirgaon-Dodra Kewar road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provision of section 7 of the said Act the Collector Land Acquisition Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector Land Acquisition Himachal Pradesh Public Works Department, Simla-9.

SPECIFICATION

District: MAHASU

Tehsil: ROHRU

Village	Khasra No.	Area Big. Bis.
1	2	3 4
CHIRGAON	299/1	2 13
	299/4	0 4
	299/5	0 10
	297/1	0 5
	297/2	0 18
	1/1	3 19
	301/1	0 4
	302/1	0 9
	320	0 6
	321	0 13
	825/323/1	0 16
	323/1	2 1
	303/1	0 10
Total		13 8

CORRIGENDA*Simla-3, the 11th April, 1972*

No. SE-II-R-54/XVII-743-46.—In partial modification of the notification issued vide this office No. S.E. II-R-54/XI-2751, dated 11-5-1971 under section 6 and 7 of the Land Acquisition Act, 1894 in respect of land acquired for constructing Sanjauli-Shogi road in village Patti Reliance the following amendments should be carried out:

Khasra Nos. 1985/760 and 1987/821/1 should be substituted by Khasra Nos. 1935/760 and 1937/821/1 respectively.

Simla-3, the 21st April, 1972

No. SE-II-SE-II-R-54-XVII-1303-6.—In partial modification of the Notification issued vide this office No. SE-II-R-54/XVI-21349-52, dated the 8th February, 1972 under section 6 and 7 of the Land Acquisition Act 1894 in respect of land acquired for constructing Guma-Jashla road in village Purag, the following amendments should be carried out:—

Area against Khasra Nos. 694/1 and 148/1 already notified as 0-16 and 0-1 should be substituted by 1-16 and 1-1 respectively.

Khasra No. 1848/1703/203/1 and 1811-1694/585/1 should be substituted by Khasra Nos. 1848/1703-203/2 and 1811-1694/585/2 respectively. The area of these Khasra Nos. viz. 2-9 each remains same.

Sd/-

Superintending Engineer,
2nd Circle, H. P. P. W. D., Simla-3.

NOTIFICATIONS*Solan, the 11th April, 1972*

No. SE-III-G(B)62-2/71-72-9864-67.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for Construction of residential accommodation I and II class officers at Solan, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894 to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition,

Himachal Pradesh Public Works Department is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh Public Works Department, Solan.

SPECIFICATION

District: MAHASU Tehsil: SOLAN

Village	Khasra No.	Area Sq.Mt.
SAIR	772	253

Solan, the 6th April, 1972

No. SE-III-G(R)6 1-12/71-72-9587-90.—Whereas it appears to the Governor, Himachal Pradesh that the land is required to be taken by the Government at public expense for a public purpose, namely for construction of the Sataum-Dak-Pather road, it is hereby declared that the land described in the specification below is required for the above purpose.

The declaration is made under the provisions of section 6 of the land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector, Land Acquisition, Himachal Pradesh P.W.D. is hereby directed to take order for the acquisition of the said land.

A plan of the land may be inspected in the office of the Collector, Land Acquisition, Himachal Pradesh P.W.D. Solan.

SPECIFICATION

District: SIRMUR Tehsil: PAONTA

Village	Khasra No.	Area	
		Big.	Bis
BHAGANI	641/1	0	14
	647/1	0	1
	649/1	1	13
Total		2	8

S. P. KAPOOR,
Superintending Engineer,
3rd Circle, H. P. P.W.D., Solan.

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनेन्शियल कमिशनर तथा कमिशनर आफ इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

शून्य

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

शून्य

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

शून्य

4. The manner in which the accounts of the Family Pension Fund shall be kept and the investment of moneys belonging to the family Pension Fund with the Central Government at a rate of interest which shall not be less than five and a half *per centum* per annum.

5. The form in which an employee shall furnish particulars about himself and his family whenever required.

6. The nomination of a person to receive the assurance amount due to the employee after his death and the cancellation or variation of such nomination.

7. The registers and records to be maintained in respect of employees, the form or design of any identity card, token or disc for the purpose of identifying any employee, or his nominee or a member of family entitled to receive the pension.

8. The scales of family pension and the assurance amount.

9. The manner in which the exempted establishments have to pay the contributions (both employer's and employee's shares) towards the Family Pension Fund and the submission of returns relating thereto.

10. The mode of disbursement of family pension and the arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

11. The manner in which the expenses incurred in connection with the administration of the Family Pension Scheme may be paid by the Central Government to the Central board.

12. Any other matter which is to be provided for in the Family Pension Scheme or which may be necessary proper for the purpose of implementing the Family Pension Scheme."

31. *Consequential amendment of Act 31 of 1956.*—In section 44 of the Life Insurance Corporation Act, 1956, after clause (f), the following clause shall be inserted, namely:—

"(g) any Family Pension Scheme framed under the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948) or the Employees' Provident Funds Act, 1952 (19 of 1952) for the purpose of providing family pension and life assurance benefits to the employees covered by the said Scheme."

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secretary to the Government of India.

Simla-2, the 24th May, 1971

No. 12-11/71-LR.—The West Bengal Security (Tripura Re-enacting) Second Amendment Ordinance, 1971 (Ordinance No. 4 of 1971) promulgated by the President of India, and published in the Gazette of India Extraordinary Part II, section I, is hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE WEST BENGAL SECURITY (TRIPURA RE-ENACTING) SECOND AMENDMENT
ORDINANCE, 1971

No. 4 OF 1971

Promulgated by the President in the Twenty-second

Year of the Republic of India.

An ordinance to amend the West Bengal Security (Tripura Re-enacting) Amendment Act, 1971.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the West Bengal Security (Tripura Re-enacting) Second Amendment Ordinance, 1971.

(2) It shall come into force at once.

2. *Substitution of section 3.*—For section 3 of the West Bengal Security (Tripura Re-enacting) Amendment Act, 1971 (Tripura Act 3 of 1971), the following section shall be substituted, namely:—

"3. *Continuation of proceedings, etc.*—Notwithstanding the expiry of the West Bengal Security (Tripura Re-enacting) Amendment Ordinance 1971, anything done or any action taken, proceeding started, appeal preferred, or legal effect produced by or under the provisions of the West Bengal Security Act, 1950, as re-enacted by the West Bengal Security (Tripura Re-enacting) Act, 1967, and amended by the said Ordinance, shall be deemed to have been done, taken, started, preferred or produced under the said Act, as so re-enacted and amended by this Act, as if this Act had commenced on the 24th day of January, 1971."

V. V. GIRI,
President.

N. D. P. NAMBOODIRIPAD,
Joint Secretary to the Government of India

Simla-2, the 7th January, 1971

No. 12-22/70-LR.—The following Acts recently passed by the Parliament, which have been published in the Gazette of India, Extraordinary, Part II, Section I, are hereby republished in the Himachal Pradesh Government Rajpatra, for the information of general public:—

1. The Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1970 (41 of 1970).
2. The Agricultural Produce Cess (Amendment) Act, 1970 (Act No. 40 of 1970).

JOSEPH DINA NATH,
Under Secretary (Judicial).

Assented to on 2nd December, 1970.

THE IRON ORE MINES LABOUR WELFARE
CESS (AMENDMENT) ACT, 1970
Act No. 41 OF 1970

AN
ACT

further to amend the Iron Ore Mines Labour Welfare Cess Act, 1961.

BE it enacted by Parliament in the Twenty-first year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Iron Ore Mines Labour Welfare Cess (Amendment) Act, 1970.

for all or any of the matters specified in Schedule III.

(5) The Family Pension Scheme may provide that any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in this behalf in that Scheme.

6B. *Special grant by Central Government.*—The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay such further sums as may be determined by it into the Family Pension Fund to meet all the expenses in connection with the administration of the Family Pension Scheme other than the expenses towards the cost of any benefits provided by or under the said Scheme.”

19. *Amendment of section 7.*—In sub-section (1) of section 7 of the Provident Funds Act, for the words “any Scheme framed under this Act”, the words “the Scheme or the Family Pension Scheme, as the case may be,” shall be substituted.

20. *Amendment of section 7A.* In sub-section (1) of section 7A of the Provident Funds Act, for the words “or of the Scheme”, the words “the Scheme or the Family Pension Scheme, as the case may be,” shall be substituted.

21. *Amendment of section 8.*—In clause (b) of section 8 of the Provident Funds Act, for the words and figures “under section 17”, the words and figures “under section 17 or in respect of the contribution payable by him towards the Family Pension Scheme under the said section 17” shall be substituted.

22. *Amendment of section 10.*—In section 10 of the Provident Funds Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The provisions of sub-section (1) and sub-section (2) shall, so far as may be, apply in relation to the family pension or any other amount payable under the Family Pension Scheme as they apply in relation to any amount payable out of the Fund.”

23. *Amendment of section 11.*—In clause (b) of section 11 of the Provident Funds Act, after the words “under the rules of the provident fund,” the words, brackets and figures “any contribution payable by him towards the family Pension Fund under sub-section (6) of section 17,” shall be inserted.

24. *Amendment of section 13.*—In section 13 of the Provident Funds Act,—

(a) in sub-section (1), for the words “or of any Scheme”, words “the Scheme or the Family Pension Scheme” shall be substituted.

(b) sub-section (2A) shall be re-numbered as sub-section (2B) and before sub-section (2B) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2A) Any Inspector appointed under sub-section (1) may, for the purpose of inquiring into the correctness of any information furnished in connection with the Family Pension Scheme or for the purpose of ascertaining whether any of the provisions of this Act or of the Family Pension Scheme have been complied with in respect of an establishment to which the Family Pension Scheme applies, exercise all or any of the powers conferred on him under clause (a), clause (b), clause (c) or clause (d) of sub-section (2).”;

(c) in sub-section (2B) as so re-numbered, after the words, brackets and figure “under sub-section (2)”, the words, brackets, figure and letter “or under sub-section (2A), as the case may be” shall be inserted.

25. *Amendment of section 14.*—In section 14 of the Provident Funds Act,—

(a) in sub-section (1), for the words “or under any Scheme”, the words “the Scheme or the Family Pension Scheme” shall be substituted;

(b) in sub-section (2), for the words “A Scheme framed under this Act, the words “the Scheme or the Family Pension Scheme” shall be substituted;

(c) in sub-section (3), for the words “or under any Scheme”, the words “the Scheme or the Family Pension Scheme” shall be substituted.

26. *Amendment of section 14A.*—In section 14A of the Provident Funds Act,—

(a) in sub-section (1), for the words “or the Scheme made thereunder”, the words “the Scheme or the Family Pension Scheme” shall be substituted;

(b) in sub-section (2), for the words “or the Scheme thereunder”, the words “the Scheme or the Family Pension Scheme” shall be substituted.

27. *Amendment of section 17.*—In section 17 of the Provident Funds Act, after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) Notwithstanding any exemption granted under this section the employer of an exempted establishment to which the provisions of the Family Pension Scheme apply, shall pay to the Family Pension Fund such portion of the employer's contribution as well as the employee's contribution to its provident fund as may be specified in the Family Pension Scheme.”

28. *Amendment of section 18.*—In section 18 of the Provident Funds Act, for the words “or under any Scheme”, the words “the Scheme or the Family Pension Scheme” shall be substituted.

29. *Amendment of section 19.*—In section 19 of the Provident Funds Act, for the words “or any Scheme”, the words “the Scheme or the Family Pension Scheme” shall be substituted.

30. *Insertion of new Schedule III.* After Schedule II to the Provident Funds Act, the following Schedule shall be inserted, namely:—

“SCHEDULE III

{ See section 6A (4) }

MATTERS FOR WHICH PROVISION MAY BE MADE IN THE FAMILY PENSION SCHEME

1. The employees or class of the employees to whom the Family Pension Scheme shall apply and the time within which option to join that Scheme shall be exercised by those employees to whom the said Scheme does not apply.

2. Subject to the provisions of section 6A (2), the portion of employer's and employees' contribution which may be credited to the Family Pension Fund and the manner in which it may be credited.

3. The contribution by the Central Government to the Family Pension Fund and the manner in which such contribution is to be made.

"(3) The provisions of sub-section (1) and sub-section (2) shall, so far as may be, apply in relation to the family pension or any other amount payable under the Coal Mines Family Pension Scheme as they apply in relation to any amount payable out of the Fund."

11. Insertion of new Second Schedule.—The Second Schedule to the Coal Mines Act shall be re-numbered as the Third Schedule and before the Third Schedule as so re-numbered, the following Schedule shall be inserted, namely:—

"THE SECOND SCHEDULE

(See section 3E)

MATTERS TO BE PROVIDED FOR IN THE COAL MINES FAMILY PENSION SCHEME

1. The employees or class of employees to whom the Coal Mines Family Pension Scheme shall apply and the time within which option to join that Scheme shall be exercised by those employees to whom the said Scheme does not apply.

2. Subject to the provisions of section 3E(2), the portion of employer's and employee's contribution which may be credited to the Family Pension Fund and the manner in which it may be credited.

3. The Contribution by the Central Government to the Family Pension Fund and the manner in which such contribution is to be made.

4. The manner in which the accounts of the Family Pension Fund shall be kept and the investment of moneys belonging to the Family Pension Fund with the Central Government at a rate of interest which shall not be less than five and a half *per centum per annum*.

5. The form in which an employee shall furnish particulars about himself and his family whenever required.

6. The nomination of a person to receive the assurance amount due to the employee after his death and the cancellation or variation of such nomination.

7. The registers and records to be maintained in respect of employees, the form or design of any identity card, token or disc for the purpose of identifying any employee, or his nominee or a member of family entitled to receive the pension.

8. The scales of family pension and the assurance amount.

9. The mode of disbursement of family pension and the arrangements to be entered into with such disbursing agencies as may be specified for the purpose.

10. The manner in which the expenses incurred in connection with the administration of the Coal Mines Family Pension Scheme may be paid by the Central Government to the Board.

11. Any other matter which is to be provided for in the Coal Mines Family Pension Scheme or which may be necessary or proper for the purpose of implementing the Coal Mines Family Pension Scheme."

12. Amendment of long title.—In the long title to the Employees' Provident Funds Act, 1952 (19 of 1952), (hereinafter referred to as the Provident Funds Act), after the words "provident funds", the words "and family pension fund" shall be inserted.

13. Amendment of section 1.—In section 1 of the Provident Funds Act,—

(a) in sub-section (1), after the words "Provident Funds", the words "and Family Pension Fund" shall be inserted;

(b) the proviso to sub-section 5 shall be omitted.

14. Amendment of section 2.—In section 2 of the Provident Funds Act,—

(a) after clause (g), the following clauses shall be inserted, namely:—

(gg) "Family Pension Fund" means the Family Pension Fund established under the Family Pension Scheme;

(ggg) "Family Pension Scheme" means the Employees' Family Pension Scheme framed under section 6A;

(b) for clause (f), the following clause shall be substituted, namely:—

(f) "Scheme" means the Employees' Provident Fund Scheme framed under section 5.

15. Amendment of section 5A.—In section 5A of the Provident Funds Act,—

(a) in sub-section (3), after the words "The Central Board shall", the words, figure and letter "c", subject to the provisions of section 6A," shall be inserted;

(b) in sub-section (4) after the words "of the Scheme" the words "and the Family Pension Scheme" shall be inserted.

16. Amendment of section 5D.—In sub-section (3) of section 5D of the Provident Funds Act, after the words "the Scheme," the words "and the Family Pension Scheme" shall be inserted.

17. Amendment of section 5E.—In section 5E of the Provident Funds Act, after the words "the Scheme," the words "and the Family Pension Scheme," shall be inserted.

18. Insertion of new sections 6A and 6B.—After section 6 of the Provident Funds Act, the following section shall be inserted, namely:—

"6A. Employee's Family Pension Scheme.—(1) The Central Government may, by notification in the Official Gazette, framed a scheme to be called the Employee's Family Pension Scheme for the purpose of providing family pension and life assurance benefits to the employees of any establishment or class of establishments to which this Act applies.

(2) There shall be established as soon as may be after the framing of the Family Pension Scheme, a Family Pension Fund into which shall be paid from time to time in respect of every such employee—

(a) such portion, not exceeding one-fourth, of the amount payable under section 6 as contribution by the employer as well as the employee, as may be specified in the Family Pension Scheme,

(b) such sums as are payable by the employer of an exempted establishment under sub-section (6) of section 17, and

(c) such sums, being not less than the amount payable in pursuance of clause (a) out of the employer's contribution under section 6, as the Central Government may, after due appropriation made by Parliament by law in this behalf, specify.

(3) The Family Pension Fund shall vest in and be administered by the Central Board.

(4) The Family Pension Scheme may provide

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

LAW DEPARTMENT NOTIFICATIONS

Simla-2, the 28th February, 1971

No. 12-11/71-LR.—The Labour Provident Fund Laws (Amendment) Ordinance, 1971 (3 of 1971) promulgated by the President of India, and published in the Gazette of India Extraordinary, Part II, Section 1, is hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE LABOUR PROVIDENT FUND LAWS (AMENDMENT) ORDINANCE, 1971

No. 3 OF 1971

Promulgated by the President in the Twenty-second Year of the Republic of India

An Ordinance further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948 and the Employees' Provident Funds Act, 1952.

WHEREAS a Bill further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948 and the Employees' Provident Funds Act, 1952, was pending in the House of the People;

AND WHEREAS the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Labour Provident Fund Laws (Amendment) Ordinance, 1971.

(2) It shall come into force at once.

2. *Act 46 of 1948, Act 19 of 1952 and Act 31 of 1956 to be temporarily amended.*—During the period of operation of this Ordinance,—

(a) The Coal Mines Provident Fund and Bonus Schemes Act, 1948 (46 of 1948), shall have effect subject to the amendments specified in sections 3 to 11;

(b) the Employees' Provident Funds Act, 1952, (19 of 1952), shall have effect subject to the amendments specified in sections 12 to 30; and

(c) the Life Insurance Corporation Act, 1956 (31 of 1956), shall have effect subject to the amendment specified in section 31.

3. *Amendment of long title and preamble to Act 46 of 1948.*—In the long title and the preamble to the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (hereinafter referred to as the Coal Mines Act), after the words "Provident Fund Scheme", the words "a Family Pension Scheme" shall be inserted.

4. *Amendment of section 1.*—In sub-section (1) of section 1 of the Coal Mines Act, after the words "Provident Fund", the words "Family Pension" shall be inserted.

5. *Amendment of section 2.*—In section 2 of the Coal Mines Act, after clause (e), the following clause shall be inserted, namely:—

(ee) "Family Pension Fund" means the Family Pension Fund established under the Coal Mines Family Pension Scheme framed under sub-section (1) of section 3E;

6. *Amendment of section 3A.*—In section 3A of the Coal Mines Act,—

(a) in sub-section (3), after the words "The Board shall", the words, figure and letter "c", subject to the provisions of section 3E," shall be inserted;

(b) in sub-section (4), for the words "the Scheme aforesaid", the words "the Coal Mines Provident Fund Scheme and the Coal Mines Family Pension Scheme" shall be substituted.

7. *Amendment of section 3C.*—In sub-section 3(3) of section 3C of the Coal Mines Act, after the words "Coal Mines Provident Fund Scheme", the words "and the Coal Mines Family Pension Scheme" shall be inserted.

8. *Insertion of new sections 3E and 3F.*—After section 3D of the Coal Mines Act, the following sections shall be inserted, namely:—

"3E. *Coal Mines Family Pension Scheme.* (1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Coal Mines Family Pension Scheme for the purpose of providing family pension and life assurance benefits to such employees as are covered by the Coal Mines Provident Fund Scheme.

(2) There shall be established, as soon as may be after the framing of the aforesaid Scheme, a Family Pension Fund into which shall be paid from time to time in respect of every such employee

(a) such portion, not exceeding one-fourth, of the amount payable under sub-section (1) of section 10D as the employer's contribution as well as the employee's contribution, as may be specified in the said Scheme, and

(b) such sums, being not less than the aggregate of the amount payable in pursuance of clause (a) out of the employer's contribution under sub-section (1) of section 10D and an amount equivalent to one-sixteenth of the employer's contribution under that sub-section in respect of such employee, at the Central Government may, after due appropriation made by Parliament by law in this behalf, specify.

(3) The Family Pension Fund shall vest in and be administered by the Board.

(4) Any scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Second Schedule.

3F. *Special Grant by Central Government.*—The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay such further sums as may be determined by it into the Family Pension Fund to meet all the expenses in connection with the administration of the Coal Mines Family Pension Scheme other than the expenses towards the cost of any benefits provided by or under the said Scheme."

9. *Amendment of section 5.*—In sub-section 2 of section 5 of the Coal Mines Act, for the words "Second Schedule", the words "Third Schedule" shall be substituted.

10. *Amendment of section 8.*—In section 8 of the Coal Mines Act, after sub-section (2), the following sub-section shall be inserted, namely:—

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*—In section 1 of the Iron Ore Mines Labour Welfare Cess Act, 1961 (58 of 1961), (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India.”.

3. *Insertion of new section 1A.*—After section 1 of the principal Act, the following section shall be inserted, namely:—

‘1A. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) “export” means taking out of India to a place outside India;
- (b) “factory” and “occupier” have the meanings respectively assigned to them in clauses (m) and (n) of section 2 of the Factories Act, 1948 (63 of 1948);
- (c) “metallurgical factory” means—
 - (i) a factory in which iron or steel is being processed or manufactured;
 - (ii) any other factory, being a factory in which iron ore is used for any purpose, which the Central Government may, by notification in the Official Gazette, declare to be a metallurgical factory for the purposes of this Act;
- (d) “owner” has the meaning assigned to it in clause (1) of section 2 of the Mines Act, 1952 (35 of 1952).’.

4. *Substitution of new sections for section 2.*—For section 2 of the principal Act, the following sections shall be substituted, namely:—

“2. *Levy and collection of cess on iron ore.*—With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be levied and collected as a cess for the purposes of this Act on all iron ore produced in any mine,—

- (a) a duty of customs, where such iron ore is exported; or
- (b) a duty of excise, where such iron ore is sold or otherwise disposed of to the occupier of any metallurgical factory or is used by the owner of the mine for any purpose,

at such rate not exceeding fifty paise per metric tonne of iron ore as the Central Government may, from time to time, fix by notification in the Official Gazette.

2A. *Payment of duty of customs and duty of excise.*—

- (1) Every duty of customs leviable under this Act on any iron ore shall be payable to the Central Government by the person by whom the iron ore is exported.
- (2) Every duty of Excise leviable under this Act on any iron ore shall be payable—
 - (a) to the occupier of the metallurgical factory, by the person by whom such iron ore is sold or otherwise disposed of to such occupier.
 - (b) to the Central Government, by the owner of the mine where the iron ore is used by such owner for any purpose,

within such period as may be prescribed by rules made under this Act.

- (3) All amounts received by the occupier of any metallurgical factory under clause (a) of sub-section (2) shall be paid by him to the

Central Government within such period as may be prescribed by rules made under this Act.”.

5. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (2), after clause (a), the following clauses shall be inserted, namely:—

- “(aa) the period within which the person selling or otherwise disposing of the iron ore shall pay the duty of excise to the occupier of the metallurgical factory;
- (aaa) the period within which the owner of the mine shall pay the duty of excise to the Central Government;
- (aaaa) the period within which the occupier of the metallurgical factory shall pay to the Central Government the duty of excise received by him;”.

Assented to on 1st December, 1970.

THE AGRICULTURAL PRODUCE CESS (AMENDMENT) ACT, 1970

ACT No. 40 OF 1970

AN
ACT

further to amend the *Agricultural Produce Cess Act, 1940* Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the *Agricultural Produce Cess (Amendment) Act, 1970*.

2. *Amendment of section 2.*—In section 2 of the *Agricultural Produce Cess Act, 1940* (27 of 1940), (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely:—

“(a) “Collector” means a Collector of Customs as defined in clause (8) of section 2 of the *Customs Act, 1962* (52 of 1962); and”.

3. *Amendment of section 5.*—In section 5 of the principal Act, for the words “The Central Board of Revenue”, the words and figures “The Central Board of Excise and Customs constituted under the *Central Boards of Revenue Act, 1963* (54 of 1963)” shall be substituted.

4. *Insertion of new section 5A and 5B.*—After section 5 of the principal Act, the following sections shall be inserted:—

“5A. *Certain provisions of the Customs Act, 1962 to apply.*—The provisions of the *Customs Act, 1962* (52 of 1962), and the rules and regulations made thereunder, including those relating to refunds and exemptions from duty, shall so far as may be, apply in relation to the levy and collection of customs duty on all articles included in the Schedule as they apply in relation to the levy and collection of duty payable to the Central Government under that Act.”.

5B. *Penalties.*—(1) Whoever—

- (a) evades the payment of any customs duty under this Act, or
- (b) fails to furnish any information which it is his duty to furnish or furnishes information which is false in material particulars or which he does not believe to be true, or
- (c) obstructs the Collector or any other officer in the performance of his duties under this Act or any rules made thereunder,

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees. or with both.

- (2) Any court trying an offence under this Act may direct that any article specified in the Schedule in respect of which it is satisfied that an offence punishable under this Act has been committed shall be forfeited to the Central Government and may also direct that all packages, coverings or receptacles in which such articles is contained and every vessel or other conveyance used in carrying such article shall be forfeited to the Central Government."

5. *Amendment of section 7.*—In sub-section (1) of section 7 of the principal Act, for the words "the representatives of the Central Legislature", the words "the Members of Parliament" shall be substituted.

6. *Amendment of section 9.*—In section 9 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

7. *Amendment of the Schedule.*—In the Schedule to the principal Act, for item 21, the following item shall be substituted, namely:—

"21. Sheep's or lamb's wool and animal hair, whether or not scoured or carded."

Simla-2, the 7th July, 1970

No. 12-22/70-LR.—The Delhi University (Amendment) Ordinance, 1970, promulgated by the President of India, and published in the Gazette of India extraordinary, Part II, Section I, is hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public.

JOSEPH DINA NATH,
Under Secretary (Judicial).

THE DELHI UNIVERSITY (AMENDMENT) ORDINANCE, 1970 NO. 4 OF 1970

Promulgated by the President in the Twenty-first Year of the republic of India.

An Ordinance further to amend the Delhi University Act, 1922.

Whereas a Bill further to amend the Delhi University Act, 1922, has been introduced in Parliament but has not yet been passed;

And whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

Now, therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Delhi University (Amendment) Ordinance, 1970.

(2) It shall come into force at once.

2. *Act 8 of 1922 to be temporarily amended.*—During the period of operation of this Ordinance, the Delhi University Act, 1922 (herein after referred to as the principal Act), shall have effect subject to the amendments specified in section 3.

3. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (2),—

(i) in clause (d), the word "or" shall be inserted at the end;

(ii) after clause (d), the following clause shall be inserted, namely:—

"(e) have been registered by the University, subject to such conditions as may be laid down in the Statutes and Ordinances, as external candidates, being persons residing within the territorial limits to which the powers of the University extend."

V. V. GIRI,
President.

N.D.P. NAMBOODIRIPAD,
Joint Secretary to the Government of India.

Simla-2, the 23rd September, 1970

No. 12-22/70-LR.—The Special Marriage (Amendment) Act, 1970 (29 of 1970) recently passed by the Parliament which has already been published in the Gazette of India, is hereby republished in the Himachal Pradesh Rajpatra for the information of general public.

JOSEPH DINA NATH,
Under Secretary (Judicial).

Assented to on 12-8-1970.

THE SPECIAL MARRIAGE (AMENDMENT) ACT, 1970 ACT NO. 29 OF 1970 AN ACT

further to amend the Special Marriage Act, 1954.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Special Marriage (Amendment) Act, 1970.

2. *Amendment of section 23.*—In section 23 of the Special Marriage Act, 1954 (43 of 1954) (hereinafter referred to as the principal Act), in clause (a) of sub-section (1), for the words, figures, brackets and letters "in section 27 [other than the grounds specified in clauses (i) and (j) thereof]", the words, brackets and figures "in sub-section (1) of section 27" shall be substituted.

3. *Amendment of section 27.*—Section 27 of the principal Act shall be re-numbered as sub-section (1) thereof and,—

(a) in sub-section (1) as so re-numbered,—

(i) the word "or" at the end of clause (h) shall be omitted;

(ii) clauses (i) and (j) shall be omitted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Subject to the provisions of this Act and to the rules made thereunder, either party to a marriage, whether solemnized before or after the commencement of the Special Marriage (Amendment) Act, 1970, may present a petition for divorce to the district court on the ground—

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year

or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

- (ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties."

AGRICULTURE DEPARTMENT NOTIFICATION

Simla-2, the 30th March, 1972

No. 1-2/71-Agr. (Sectt.).—The Government of India, Ministry of Industrial Development Orders/Notifications which have already been published in the Gazette of India in part II, section III, sub-section (ii) mentioned below are hereby republished in the Himachal Pradesh Government Rajpatra, for general information:—

1. Order No. AE Ind-II/5(37)/66, dated the 6th November, 1971.
2. Order No. AE I/II/5(37)/66, dated the 19th November, 1971.
3. Order No. AE-II/5(37)/66/1, dated the 18th December, 1971.
4. Notification AEI-II/5(37)/66, dated the 1st September, 1971.
5. Notification No. AEI-II/5(37)/66, dated the 13th September, 1971.
6. Order No. AEI-II/5(37)/66/1, dated the 29th November, 1971.
7. Notification No. AEI-II/5(37)/66, dated the 5th January, 1972.

K. C. PANDEYA,
Secretary.

Copy of order No. AE Ind.-II/5(37)/66, from the Joint Secretary to the Government of India, Ministry of Industrial Development New Delhi, addressed to the General Manager, Government of India Press, New Delhi.

ORDERS

S. O. In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following Order to amend the Tractors (Distribution and Sale) Control Order, 1971 namely:

1. (i) This order may be called the Tractors (Distribution and Sale) Control (Amendment) Order, 1971;
- (ii) It shall come into force at once.
2. In the Tractors (Distribution and Sale) Control Order, 1971, after Clause 13, the following Clause shall be added, namely:—
- "14. *Saving.*—Nothing in Clauses 5, 6, 7 and 8 shall apply to the tractors allotted for distribution and sale in pursuance of any scheme sponsored by the Central or State Governments or a Corporation".

Copy of order No. AEI-II/5(37)/66, dated the 19th November, 1971, from the Joint Secretary to the Government of India, Ministry of Industrial Development, New

Delhi, addressed to the General Manager, Government of India, Press, Minto Road, New Delhi (along with a Hindi version) etc. etc.

S. O. No. In exercise of the powers conferred by section 2 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Orders further to amend the Tractors (Distribution and Sale) Control Order, 1971, namely:—

1. (1) This Order may be called the Tractors (Distribution and Sale) Control (2nd Amendment) Order, 1971.
- (2) It shall come into force on the date of its publication in the official Gazette.
2. In sub-clause (2) of Clause 6 of the Tractors (Distribution and Sale) Control Order, 1971, for the abbreviation and figures "Rs. 500.00" the abbreviation and figures "Rs. 1,000.00" shall be substituted.

Copy of order No. AEI-II/5(37)/66/1, dated the 18th December, 1971 from the Joint Secretary to the Government of India, Ministry of Industrial Development New Delhi, addressed to the Manager, Government of India Press, New Delhi (Along with Hindi version) etc. etc.

S. O. No. In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following Order, further to amend the Tractors (Distribution and Sale) Control Order 1971, namely:—

1. (1) This Order may be called the Tractors (Distribution and Sale) Control (Third Amendment) Order 1971.
- (2) It shall come into force at once.
2. In sub-clause (4) of clause 6 of the Tractors (Distribution and Sale) Control Order, 1971, in the opening portion and in the proviso for the words "ninety days", the words "one hundred and fifty days" shall be substituted.

Copy of notification No. AEI-II-5/37/66, dated the 1st September, 1971 from the Joint Secretary to the Government of India, Ministry of Industrial Development New Delhi, addressed to the Manager, Government of India Press, New Delhi.

NOTIFICATIONS

S. O. No. 3257.—No. AEI. II-5/37/66.—In pursuance of clause 3 of the Tractors (Distribution and Sale) Control Order, 1971, the Central Government hereby appoints Shri N. Radhakrishnan, Deputy Secretary, Ministry of Industrial Development, Government of India, as a Controller for the purposes of the said order and assigns to him the functions of Controller under the provisions of the said Order in respect of tractors manufactured in India.

Copy of notification No. A.E.I-II.5 (37)/66, dated the 13th September, 1971, from the Joint Secretary to the Government of India, Ministry of Industrial Development, New Delhi.

S. O. No. A.E.I-II.5(37)/66.—In pursuance of clause 3 of the Tractors (Distribution and Sale) Control Order, 1971

the Central Government hereby appoints Shri Ranjit Singh, Deputy Secretary, Ministry of Agriculture, (Department of Agriculture), Government of India, as a Controller for the purposes of the said order and assigns to him the functions of Controller under the provisions of the said Order in respect of tractors imported into India.

Copy of order No. A.E.I.-II/5(37)/66/1, dated the 29th November, 1971, from the Controller of Tractors, Government of India, Ministry of Industrial Development (Audyogik Vikas Mantralaya) New Delhi, addressed to the General Manager, Government of India Press, Minto Road, New Delhi (along with Hindi version) etc. etc.

ORDER

S.O. No.—In exercise of the powers conferred on me under clause 4 of the Tractors (Distribution and Sale) Control Order No. 1971, I hereby make the following Order, namely:—

1. Each manufacturer shall reserve for priority allocation by the Central Government 0.5 per cent of total number of tractors manufactured by him during each quarter, commencing from the quarter October-December 1971.
2. Each manufacturer is entitled to reserve 2 per cent of his annual production to be utilised in his discretion during that year.
3. Out of the balance left after providing for a special quota as mentioned in paras (1) and (2) above, 10 per cent shall be distributed among the dealers serving their respective territories in the proportion of the orders registered in their books as on 31st August 1971. In respect of the subsequent half-yearly periods, the operative dates will be 31st December and 30th June of each year.
4. The remaining 30 per cent of the balance shall be distributed by the manufacturers in their discretion among their dealers, having regard to the need for development of demand in new areas and also to correct any imbalances in the distribution. The sale of this 30 per cent will also be effected by the dealers strictly in accordance with the provisions of the Control Order.

GOVERNMENT OF INDIA, MINISTRY OF INDUSTRIAL DEVELOPMENT (AUDYOGIK VIKAS MANTRALAYA)

New Delhi, the 5th January, 1972 Pausa 1893

NOTIFICATION

S. O. In pursuance of clause 3 of the Tractors (Distribution and Sale) Control Order 1971, and in supersession of the notification of the Government of India in the Ministry of Industrial Development No. S.O. 5253, dated the 29th November, 1971, the Central Government hereby appoints Shri S. S. Kapur, Deputy Secretary of Agriculture (Department of Agriculture) Government of India, vice Shri Santosh Singh, as a Controller for the purposes of the said order and assigns to him the functions of Controller under the provisions of the said order in respect of tractors imported into India.

[AEI-II/5(37)/66]

S. M. GHOSH,

Joint Secretary to the Govt. of India.

PUBLIC WORKS DEPARTMENT NOTIFICATION

Simla-2, the 25th/28th March, 1972

No. 1-70/70-PWD.—The Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Works

Service Commission vide their letter No. 1-4/71-PSC, dated the 15th February, 1972 is pleased to frame the Recruitment and Promotion Rules in respect of the posts of Chief Engineer, Himachal Pradesh Public Works Department as given in the attached annexure 1.

This will take effect from the issue of this notification.
Sd/-
Secretary.

ANNEXURE I

RECRUITMENT AND PROMOTION RULES FOR THE POST OF CHIEF ENGINEER HIMACHAL PRADESH PUBLIC WORKS DEPARTMENT

- | | |
|---|---|
| 1. Name of the post | Chief Engineer. |
| 2. Number of posts | Two. |
| 3. Classification | Class-I (Senior). |
| 4. Scale of pay | Rs. 2250-125-2500-125/2-2750. |
| 5. Whether selection post or non-selection. | Selection. |
| 6. Age for direct recruitment. | Not applicable. |
| 7. Educational Qualification and other qualifications for direct recruitment. | Not applicable. |
| 8. Whether Educational Qualifications prescribed for direct recruits will apply in case of promotees. | Not applicable. |
| 9. Period of probation, if any. | Two years subject to such further extension for a period not exceeding one year as may be ordered by the competent authority for reasons to be recorded in writing. |
| 10. Method of recruitment whether by direct recruitment or by promotion/deputation. | By promotion failing which on deputation. |
| 11. In case of recruitment by promotion/deputation/transfer, grade from which promotion/deputation transfer to be made. | (1) Promotion: Superintending Engineers with 20 years service in the gazetted rank including five years' service as Superintending Engineer.
(2) Deputation: Officers holding equivalent posts in the State or under other State Governments or under the Government of India. |
| 12. Constitution of Departmental Promotion Committee. | Class I DPC to be presided over by the Chairman of Himachal Pradesh Public Service Commission or a member thereof to be nominated by the Chairman. |
| 13. Circumstances in which Himachal Pradesh Public Service Commission is to be consulted. | As required under the law. |

B. D. SHAUNAK,
Under Secretary.

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं
तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART I

EXCISE AND TAXATION DEPARTMENT
NOTIFICATIONS

Simla-2, the 25th April, 1972

No. 11-10/72-E&T (Sectt.).—The Governor, Himachal Pradesh is pleased to transfer Shri D. C. Dwivedi, Assistant Excise and Taxation Officer, Mandi and post him as Assistant Excise and Taxation Officer, Sirmur, with immediate effect, vice Shri Roop Lal Gupta, Assistant Excise and Taxation Officer, placed under suspension.

Simla-2, the 25th April, 1972

No. 11-10/72-E&T (Sectt.).—Whereas Shri Roop Lal Gupta, Assistant Excise and Taxation Officer, Sirmur, has failed to exercise proper control over the inspectorate staff in Sirmur district and draw regularly samples of liquor from the Liquor Vend Shops either himself or through the staff concerned, thus, showing dereliction of duties;

Now, therefore, the Governor, Himachal Pradesh in exercise of the powers vested in him under sub-rule (1) of rule 10 of the Central Civil Services (Classifications, Control and Appeal) Orders, 1965, is pleased to place the said Shri Roop Lal Gupta under suspension, with immediate effect. The Governor of Himachal

Pradesh is further pleased to fix the headquarters of the said officer at Nahan during the period of his suspension.

P. K. MATTOO,
Secretary.

INDUSTRIES DEPARTMENT
NOTIFICATION

Simla-2, the 24th April, 1972

No. 10-51/71-SI.—In partial modification of this Government notification of even number, dated the 18th December, 1971, and in pursuance of the provision contained in section 9 of the Himachal Pradesh Shops and Commercial Establishments Act, 1969 (Act No. 10 of 1970), the Governor, Himachal Pradesh is pleased to fix the following opening and closing hours during summer for Shops and Commercial Establishments within the jurisdiction of Simla Municipal Corporation:—

Summer	Opening hours	Closing hours
24th April to 30th October	9.30 A.M.	8.30 P.M.

By order,
P. K. MATTOO,
Secretary.